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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/719,467	11/21/2003	Hiroshi Okuma	P1315US	2606
1218	7590	03/09/2005	EXAMINER	
CASELLA & HESPOS 274 MADISON AVENUE NEW YORK, NY 10016			LESLIE, MICHAEL S	
			ART UNIT	PAPER NUMBER
			3745	

DATE MAILED: 03/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b> 10/719,467	<b>Applicant(s)</b> OKUMA, HIROSHI	
	<b>Examiner</b> Michael Leslie	<b>Art Unit</b> 3745	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,6 and 13 is/are rejected.
- 7) ☒ Claim(s) 3,5 and 7-12 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>2/27/04</u> . | 6) <input type="checkbox"/> Other: ____.  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Baldwin.

Baldwin discloses a hydraulic master cylinder having a cylinder main body (1) with a piston mount space, a supplying/discharging opening (~14), a piston (2), a seal ring (9), an auxiliary supplying/discharging passage (~12) communicating sideways with the piston mount space, and a communication path defined by the inner circumferential surface of the cylinder main body and the outer circumferential surface of the piston for communicating a pressure chamber (6) and the auxiliary supplying/discharging passage. Wherein a seal-ring mounting groove is formed in the outer circumferential surface of the piston over the entire circumference, and the seal ring is mounted therein.

Claims 1, 2, 4, and 6 are rejected under 35 U.S.C. 102(e) as being anticipated by Heller et al.

Heller et al disclose a hydraulic master cylinder having a cylinder main body (2, 3) with a piston mount space, a supplying/discharging opening (8), a piston (5), a seal ring (11), an

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auxiliary supplying/discharging passage (9) communicating sideways with the piston mount space, and a communication path defined by the inner circumferential surface of the cylinder main body and the outer circumferential surface of the piston for communicating a pressure chamber (7) and the auxiliary supplying/discharging passage. Wherein the inner circumferential surface of the cylinder main body defining the piston mount space includes a pressure-chamber side inner circumferential surface (18a) having such an inner diameter that the outer circumferential surface of the seal ring is in sealing contact therewith over the entire circumference and a communicating inner circumferential surface adjacent to a side of the pressure-chamber side inner circumferential surface opposite from the supplying/discharging opening and shaped such that at least a part thereof along circumferential direction is radially separated from the outer circumferential surface of the seal ring, an inner space of the communicating inner circumferential surface communicates with the communication path, and the position of the communicating inner circumferential surface is set such that the outer circumferential surface of the sealing ring faces the communicating inner circumferential surface with the piston located at the rearmost position. The communicating inner circumferential surface includes recesses and projections as to change the inner diameter thereof depending on its circumferential position, and a maximum inner diameter thereof is set such that minimum inner-diameter parts of the communicating inner circumferential surface are held in sealing contact with the outer circumferential surface of the seal ring. Wherein a plurality of communication grooves (27) are formed in the communicating inner circumferential surface while being circumferentially spaced apart, and parts of the communicating inner circumferential surface where no communication groove is formed are the minimum inner-diameter parts.

***Allowable Subject Matter***

Claims 3, 5, and 7-12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Prior Art***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Patents 5715681 and 6584771 disclose hydraulic master cylinders with auxiliary passage communication with the pressure chamber.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Leslie whose telephone number is (571) 272-4819. The examiner can normally be reached on M-F 8:00am - 4:30pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Look can be reached on (571) 272-4820. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.


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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ML

March 3, 2005

  
Michael Leslie  
Patent Examiner  
AU 3745

  
EDWARD K. LOOK  
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3/4/05